

Office Action Summary**Application No.**

10/500,683

Applicant(s)VAN DOORN, MARKUS
GERARDUS**Examiner**

FRANKLIN ANDRAMUNO

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/30/2012.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-20 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-20 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot because the arguments do not apply to any of the references being used in the current rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite since the claim involves a computer program product which depends on claim 9 which is directed to a method. Therefore, claim 10 is a computer program product without structure but with method steps and fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ficco et al (US Patent 6,868,292 B2) in view of Asghar et al (US 6,218,931 B1) in view of Humpleman et al (US 6,198,479 B1). Hereinafter referred as Ficco, Asghar and Humpleman.

Regarding claims 1, 5, 8, 12 and 20, Ficco discloses a method, system and computer program performed by a server comprising acts of **(column 15 lines 7-8)**: retrieving from the plurality of application devices **(figure 1 and column 12 lines 1-5)**; sending at least one of the output documents to each device of the plurality of the application devices **(column 16 lines 14-26)** participating in the user experience **(column 11 line 66 to column 12 line 2)**; and upon receiving of the at least one output document, at least one of the participating devices performing, the at least one instruction **(column 3 lines 60-67)**.

However, Ficco is silent in teaching input document reflecting the status of the respective application devices. Asghar teaches on **(column 3 lines 21-27)** a control unit configured to receive status information from the appliances, such as the current power status of lamp. The computer gathers water and electrical power usage data. Control unit may also be used to turn on or off coffee maker, etc.

Therefore, it would have been obvious at the time of the invention to include Ficco's reference to incorporate the teachings of Asghar to use a system which reflects the status of the application device. This is a useful combination because the system is

able to control appliances remotely. This is great for clients that want to control their devices when they are away from their home on vacation or business.

However, Ficco and Asghar are silent in teaching controlling a plurality of application devices including at least one participating in a user experience. Humpleman teaches on **(column 16 lines 32-45 also see figures 1 and 7)** the invention is possible to operate with a number of software agents representing devices which are capable of controlling lights, for example. In such an environment, the user would select both a control device, which is not a source or a server of information, and one or more light devices to be controlled. Humpleman further teaches retrieving identification of a user **(column 10 lines 1-16)**; generating output documents for each respective application device comprising at least one instruction, based at least on a part of the retrieved identification of the user and at least a part of the input document **(column 3 lines 1-4)**.

Therefore, it would have been obvious at the time of the invention to include Ficco's and Asghar's reference to incorporate the teachings of Humpleman to control a plurality of application devices including at least one participating in a user experience. This is a useful combination because the system is able to exchange information between networks and more particularly for performing services on browser based home networks for controlling home devices.

Regarding claim 7, Ficco, Asghar and Humpleman disclose the system, according to claim 5 Ficco teaches the system is a computer system (**column 1 lines 10-15**).

Regarding claims 2, 6, and 13, Ficco, Asghar and Humpleman disclose the method, system and computer program (**Column 20 lines 8-11**) according to claims 1, 5 and 12. Ficco the act of retrieving identification of the user comprises acts of retrieving user profile information based on the user identification (**Column 16 lines 4-6**); and retrieving context profile information relating to surroundings of the user (**Column 16 lines 6-13**). The server is enabled to retrieve user profile (**column 15 lines 8-12**).

Regarding claims 3, 9, 14, and 17, Ficco, Asghar and Humpleman disclose the method, system and computer program according to claims 1, 2 and 12-13, Ficco teaches the type of documents is at least one of Hyper Text Markup Language (**Column 8 lines 5-6**), Scalable Vector Graphics, Resource Description Framework and Extensible Markup Language (**column 8 lines 14-16**).

Regarding claims 4, 10-11, 15-16, and 18-19, Ficco, Asghar and Humpleman disclose the method, system and computer program according to claims 1-2, 9, 12-14 and 17, Ficco teaches the application devices comprise at least one of Web tablet, set-top box, VCR, TV, PDA, lamp, coffee machine, radio, telephone, background wall, DVD player and electronic information panel (**Figure 1**).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Fri 9:00am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on (571)272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pankaj Kumar/
Supervisory Patent Examiner, Art Unit 2424